

**FLATHEAD COUNTY PLANNING AND ZONING  
STAFF REPORT #FPAE-10-02  
AGENCY EXEMPTION TO LOCAL ZONING  
BIGFORK WATER AND SEWER DISTRICT  
APRIL 14, 2010**

A notice to the Flathead County Board of Adjustment from the Bigfork County Water and Sewer District indicating they intend to construct new buildings and access drives for the expansion of the wastewater treatment facility within the 20 foot setbacks. A public forum for comment on the proposed use has been scheduled before the Flathead County Board of Adjustment on Tuesday May 4, 2010, beginning at 6:00 PM, in the 2<sup>nd</sup> Floor Conference Room of the Earl Bennett Building, 1035 First Avenue West, Kalispell, Montana. Documents pertaining to this application are available for public inspection at the Flathead County Planning and Zoning Office.

**Land Use Advisory Committee**

On April 29, 2010, the Bigfork Land Use Advisory Committee (BLUAC) will hold a public hearing on the notice from the Bigfork County Water and Sewer District at 4:00pm at the Bethany Lutheran Church. Any comments will be forwarded to the Board of Adjustment.

**Board of Adjustment**

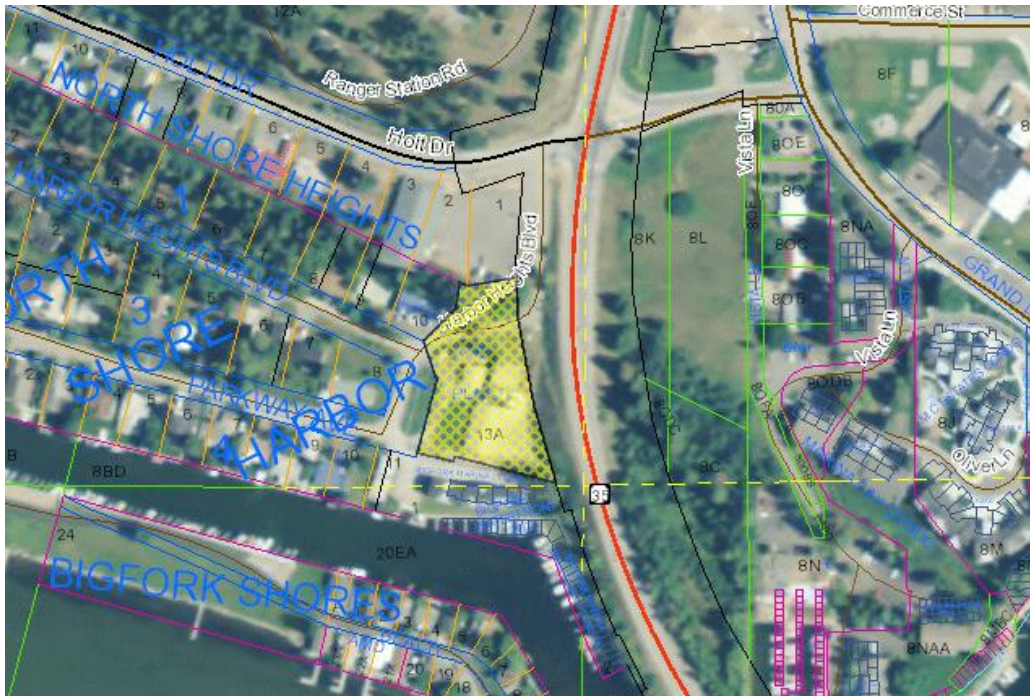
On May 4, 2010 the Flathead County Board of Adjustment (BOA) will hold a public hearing on the notice from the Bigfork County Water and Sewer District.

**Background Information**

**Property Owner:** Bigfork County Water and Sewer District  
P.O. Box 1108  
Bigfork, MT 59911

**Location and Legal Description:**

The property is located at the intersection of Harbor Heights Boulevard and Parkway Avenue in Bigfork. The approximately 1.4 acre property can legally be described as Lot 13A of the amended plat of Lot 13A North Shore Harbor and a portion of North Shore Heights, in Section 36, Township 27 North, Range 20 West, P.M.M., Flathead, Montana.



**Summary of Notice:**

The Bigfork County Water and Sewer District gave notice to the Board of Adjustment that it intends to construct new buildings and access drives on District owned property located within the Bigfork Zoning District. The new buildings are being constructed to address imminent changes to the wastewater treatment standards and to expand the capacity to accommodate an increase in wastewater flows projected over the next 20 years. While the new buildings are being constructed, the existing building and treatment processes must continue to be operational. The property is currently zoned B-3 Community Business. Due to the small size of the property, the new buildings and accesses will need to encroach into the current 20 foot setbacks.

Pursuant to 76-2-402, MCA the District is exempt from compliance with local zoning regulations.

**76-2-402. Local zoning regulations -- application to agencies.** Whenever an agency proposes to use public land contrary to local zoning regulations, a public hearing, as defined below, shall be held.

(1) The local board of adjustments, as provided in this chapter, shall hold a hearing within 30 days of the date the agency gives notice to the board of its intent to develop land contrary to local zoning regulations.

(2) The board shall have no power to deny the proposed use but shall act only to allow a public forum for comment on the proposed use.

**Adjacent Property Notification:**

Legal notification of the District's notice and the public meetings of BLUAC and the Flathead County Board of Adjustment was published in the April 18, 2010 edition of the Daily Interlake, and adjoining property owners within one hundred and fifty (150) feet of the subject property were notified by mail on April 9, 2010.